

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ETHAN D. MAIDEN,

Plaintiff,

v.

LIBERTY MUTUAL INSURANCE COMPANY and
JACK COOPER TRANSPORT COMPANY, INC.,

Defendants.

Case No. 14-cv-1388-JPG-SCW

MEMORANDUM AND ORDER

This matter comes before the Court on the motion of defendant Liberty Mutual Fire Insurance Company (“Liberty Mutual”), misnamed in the complaint as Liberty Mutual Insurance Company, to withdraw its notice of removal (Doc. 5). The Court construes the motion as a motion to remand. No party objects to the motion.

Liberty Mutual originally removed this case pursuant to 28 U.S.C. § 1441(a) relying on the Court’s original diversity jurisdiction under 28 U.S.C. § 1332(a). It now concedes that the pleadings demonstrate that complete diversity between the parties, as required for diversity jurisdiction, *see Strawbridge v. Curtiss*, 7 U.S. (3 Cranch) 267 (1806), does not exist because plaintiff Ethan D. Maiden and defendant Jack Cooper Transport Company are both citizens of Missouri.

In light of the lack of complete diversity between the parties and the failure of any party to object to the motion, the Court **GRANTS** the motion to withdraw the notice of removal, construed as a motion to remand (Doc. 5), and **REMANDS** this case to the Circuit Court for the Third Judicial Circuit, Madison County, Illinois, for lack of subject matter jurisdiction.

IT IS SO ORDERED.

DATED: January 5, 2015

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE